

This record is a partial extract of the original cable. The full text of the original cable is not available.

181524Z Jan 06

UNCLAS PARIS 000328

SIPDIS

DEPT FOR EB/IPE - SWILSON  
DEPT PLS PASS USTR FOR VESPINEL  
COMMERCE FOR SJACOBS

E.O. 12958: N/A

TAGS: [KIPR](#) [ETRD](#) [FR](#)

SUBJECT: GOF AMENDS ITS DIGITAL COPYRIGHT DRAFT BILL

REF: PARIS 8626

[11.](#) (U) SUMMARY. Following a legislative misstep last month, the GOF has now decided to revise its copyright bill, which would transpose a 2001 European Union Directive on copyright into French law. The new texts, ordered by Prime Minister Villepin should address concerns expressed by consumer and internet users' groups as well as authors, artists and media companies. These contentious issues included the rights to make private copies and to share music and movie files on the Internet. In December 2005, a small group of parliamentarians had managed, in a late night vote, to garner support among government and opposition legislators to legalize peer-to-peer file sharing. End Summary.

The new proposals  
-----

[12.](#) (U) French Culture Minister Renaud Donnedieu de Vabres announced by e-mailed press statement on January 14 that he was revising his digital copyright draft bill to "strike a balance between copyright protection and consumer rights." The changes follow the French Government's decision to withdraw its original bill from Parliament when a small group of MPs from the ruling UMP Party and the Socialist opposition managed in late December 2005 to legalize peer-to-peer file sharing (Reftel). The bill seeks to transpose a 2001 European Union Directive on intellectual property rights into French law.

[13.](#) (U) According to French newspapers, the GOF is still working on the wording of the text, but the changes include a clear reaffirmation of the right of consumers who bought music or movies on CDs, DVDs or online, to make a certain number of private copies for themselves and their friends (up to five according to the latest draft). This is in line with current French jurisprudence. Another potential change highlighted in the French press includes a "phased" penalty system for small-time downloaders, starting with a warning e-mail and ending with fines ranging of up to 1,500 Euros (USD 1,800). This system is already in place for music downloads.

[14.](#) (U) The proposed new bill makes no mention of a "global license", which had been introduced by both opposition and the majority (government - UMP) party members of the National Assembly under pressure from consumer and internet users' groups. The global license proposal called for a monthly fee of between 2 and 5 Euros levied on customers for the "right" to download music or movies online.

What's next?  
-----

[15.](#) (U) A Parliamentary debate on the new draft proposals will take place next February 7 and 8. In the meantime, French politicians have begun a debate over application of French copyright laws to the Internet and other new technologies. According to the Culture Ministry, President Chirac and Prime Minister De Villepin have taken a personal interest in the subject. According to press reports, they had personally directed the French Culture Minister to rework his implementing draft bill. Majority party (UMP) Chairman and Interior Minister Nicolas Sarkozy, has called for a party debate on the issue on January 23.

Stapleton